

HOUSE BILL 400

A2

0lr1838

By: **Delegate Beitzel**

Introduced and read first time: January 29, 2010

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Garrett County – Wine Festival License – Qualifications – Hearing and Notice**

3 FOR the purpose of altering the requirements for a wine festival license in Garrett
4 County to allow certain additional applicants to be issued the license; requiring
5 that the Board of License Commissioners hold a hearing before a license is
6 issued; requiring that the Board publish a certain notice before a certain time;
7 and generally relating to alcoholic beverages licenses in Garrett County.

8 BY repealing and reenacting, with amendments,
9 Article 2B – Alcoholic Beverages
10 Section 8–308.2
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2009 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article 2B – Alcoholic Beverages**

16 8–308.2.

17 (a) In this section, “Board” means the Garrett County Board of License
18 Commissioners.

19 (b) This section applies only in Garrett County.

20 (c) The Board may issue annually one wine festival license.

21 (d) Notwithstanding any other provision of this article, an applicant for a
22 wine festival license shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1)** [be a holder] **HOLD**, within the county, [of] an existing retail
2 alcoholic beverages license, State Class 3 winery license, or State Class 4 limited
3 winery license; **OR**

4 **(2)** **BE ELIGIBLE FOR ANY TYPE OF SPECIAL CLASS C LICENSE**
5 **THAT THE BOARD ISSUES.**

6 (e) A wine festival licensee shall:

7 (1) Only display and sell wine that is:

8 (i) Manufactured and processed in any state;

9 (ii) Price filed in accordance with regulations adopted by the
10 Comptroller; and

11 (iii) Distributed in the State at the time the application is filed;
12 and

13 (2) Display and sell wine at retail for consumption on or off the
14 licensed premises on the days and for the hours designated for the wine festival.

15 (f) The Board shall:

16 (1) Establish the license fee;

17 (2) Approve one or two days, excluding Sunday, annually for the wine
18 festival provided that the days selected do not occur on the same weekend as the
19 Maryland Wine Festival; and

20 (3) Approve a location in the county that is not licensed under this
21 article for the wine festival.

22 (g) (1) Products to be displayed and sold at the wine festival shall be:

23 (i) Invoiced to the wine festival license holder by a licensed
24 State wholesaler, winery, or limited winery; and

25 (ii) Delivered to the wine festival from the licensed premises of
26 the wholesaler, winery, or limited winery.

27 (2) Whenever a wine festival license is issued under this section,
28 holders of wholesale, winery, or limited winery licenses may enter into an agreement
29 with the holder of a wine festival license to deliver beer and wine 2 days prior to the
30 effective date of the wine festival license and to accept returns 2 days after the
31 expiration date of the wine festival license.

1 (h) Notwithstanding § 11–512(c) of this article, a wine festival license issued
2 for use in election district 11 or 15 authorizes Sunday sales:

3 (1) To begin at 10 a.m.; and

4 (2) To be made without a consumer placing an order for a meal
5 simultaneously or before placing an order for an alcoholic beverage.

6 **(I) THE BOARD SHALL:**

7 **(1) HOLD A HEARING ON EACH APPLICATION FOR A WINE**
8 **FESTIVAL LICENSE; AND**

9 **(2) PUBLISH A NOTICE OF THE APPLICATION ONE TIME AT LEAST**
10 **7 DAYS BEFORE THE HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN**
11 **THE COUNTY.**

12 **[(i)] (J)** The Board shall adopt regulations to implement this section.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 2010.